

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

**April 28, 2017**

In the Matter of

Schools and Libraries Universal Service  
Support Mechanism

Request for Review of a decision by USAC – Schools and Libraries Division/Request for  
Waiver of USAC’s deadline for the FCC Form 486

Richard Wright Public Charter School for Journalism and Media Arts

Schools and Libraries Program: CC Docket No. 02-6

**FCC Request for Review and Waiver**

**Applicant Name:** Richard Wright Public Charter School for Journalism and Media Arts

**Applicant BEN:** 16063886

**Service Provider:** Building Hope

**SPIN:** 143032132

**Application Number:** 856403

**FRN:** 2329754

**Form 486 #** 1197452

**Submitted by:**

Ben Sniecinski  
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### Introduction

This is a request for the review of the decision by the Universal Service Administrative Company (USAC) Schools and Libraries Division and a request for the FCC to waive USAC's deadline for the FCC Form 486 for the above application and associated FRN. The service start date was changed and the amount of funding was reduced because the school filed their Form 486 late. The FCC Form 486 was not filed within 120 days. However, we hope that you will find adequate reasoning to waive this deadline. Richard Wright Public Charter School for Journalism and Media Arts respectfully requests that the FCC consider a Form 486 deadline waiver for the reasons explained below.

### Argument

The school does not argue with the fact that the 486 was filed outside the window. The school argues that it was out of their control. As you can see this FRN was for funding year 2012. However, the Funding Commitment Decision Letter was not issued until 4/17/15. This is 3 years and 1 month after the application was filed. During that time period the school had many turnovers of their staff. The staff person who was managing the E-Rate process for Richard Wright Public Charter School for Journalism and Media Arts left shortly after the application was filed, and well before the application was approved. It was not until their current Chief Operating Officer (COO) took over that this issue was brought to light. As soon as this issue was discovered, the COO submitted the Form 486. Richard Wright Public Charter School for Journalism and Media staff never received the FCC Form 486 Urgent Reminder Letter because it was addressed to the staff person who left so they weren't alerted to the fact that the Form 486 was late until the new COO discovered the issue.

The school doesn't argue that they missed the deadline but they do argue that there is no waste, fraud or abuse and ask that the service start date be reset to July 1, 2012 so that the school can collect the funds that have already been committed and that they have paid for in full.

We believe that this request follows the precedent set by the order, [DA 16-1205](#), Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al., File Nos. SLD-894989, 922278 et al. where the FCC granted appeals for 69 applicants whose funding had been reduced as the result of late-filed Form 486s. This order states "In the interest of fairness, we will continue to apply the current Alaska Gateway Order-based standard to appeals filed with USAC or the Commission before January 30, 2017".

We believe that this appeal meets the current Alaska Gateway Order-based standard and follows the precedent set by the Alaska Gateway School District Tok, AK, et al., File Nos. SLD-412028, et al. where the FCC granted 128 appeals of decisions by USAC reducing or denying funding from schools and libraries for various funding years because they did not timely file 486s. As with many of those cases, Richard Wright Public

Charter School for Journalism and Media Arts's "failure to timely file was the result of staff confusion or mistake, or circumstances beyond the applicant's control".

Just like in the cases in the above referenced Orders, Richard Wright Public Charter School for Journalism and Media Arts missed a USAC procedural deadline but did not violate a Commission rule. Therefore, we do not believe that a complete rejection is warranted. We respectfully request that the FCC overturn USAC's denial and waive the Form 486 deadline so that the Service Start Date is restored to the original requested Service Start Date of 07/01/2012 so that the school can take advantage of the funding they were awarded.

We respectfully request that the FCC review this request and grant relief to Richard Wright Public Charter School for Journalism and Media Arts from the Form 486 deadline.

If you have any questions or need additional information please let me know.

Thank you,

Ben Sniecinski

Ben Sniecinski  
E-Rate Advantage  
106 Lilac Drive  
Annandale, NJ 08801

Billed Entity Number: 16063886  
Form 471 Application Number: 856403  
Form 486 Application Number: 1197452



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2012-2013**

April 18, 2017

Ben Sniecinski  
E-Rate Advantage  
106 Lilac Drive  
Annandale, NJ 08801

Re: Applicant Name: RICHARD WRIGHT PUBLIC CHARTER  
SCHOOL FOR JOURNALISM AND  
MEDIA ARTS  
Billed Entity Number: 16063886  
Form 471 Application Number: 856403  
Form 486 Application Number: 1197452  
Funding Request Number(s): 2329754  
Your Correspondence Dated: February 23, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2012 FCC Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2329754  
Decision on Appeal: **Denied**  
Explanation:

- Your FCC Form 486 was not filed within 120 days calculated from March 17, 2015, the date of the Funding Commitment Decision Letter (FCDL). On August 24, 2015, USAC sent an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on January 13, 2017, which is after the new deadline date. Consequently, the Service Start Date was revised to September 15, 2016, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly.

Extensions of the FCC Form 486 filing deadline may only be granted on appeal if the FCC Form 486 was filed on or before 120 days after the last day to receive services for the FRN and good cause has been demonstrated justifying the late submission of the FCC Form 486. USAC has determined that you failed to demonstrate good cause justifying the late submission of your FCC Form 486 for FRN 2329754. As a result, your appeal is denied.

FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. See 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the last date to receive service for the FRN. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 15 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. See *Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-412028, et al., CC Docket No. 02-6, DA 06-1871, para. 8 (rel. Sep. 14, 2006). If an applicant misses the new deadline, appeals of USAC's decision denying or reducing funding for late filed FCC Forms 486 may only be granted if the FCC Form 486 was filed no later than 120 days after the last date to receive the service requested in the FRN and the applicant has demonstrated good cause justifying the late submission. See *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al.*, CC Docket No. 02-6, DA 16-1205, para. 1 (rel. Oct. 20, 2016)."

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



cc: Alisha Roberts